

SN. 10/074,582

ATTORNEY DOCKET NO. KIOI:021

REMARKS

Claims 1-3 remain pending in this application for which applicants seek reconsideration.

Amendment

Claim 1 has been amended to further define that the orifice port has a smaller diameter (i.e., passageway) than the supply passage for added clarity. No new matter has been introduced.

Art Rejection

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as anticipated by Franz (USP 6,079,435). Applicants traverse this rejection because Franz does not disclose the claimed orifice port configuration.

Claim 1 now recites that the orifice port has a smaller diameter than the supply passage. As a background, the oil pressure in the output passage (14) is controlled with the solenoid valve (30), namely by draining fluid through its drain port (41). The pressure in the output passage needs to be somewhat isolated from the pressure from the supply passage so that the pressure from the supply passage does not significantly affect the pressure in the supply passage. In the present invention, the smaller sized orifice port (43) restricts the transmission of pressure between the supply and output passages, while allowing passage of fluid.

In contrast, Franz's horizontal passage in its nozzle piece 30 (see Fig. 1) is sized the same as its horizontal supply and output passages. Accordingly, Franz's horizontal passage cannot function as an orifice port. Indeed, Franz uses an adjustable restrictor 38 disposed in line with the horizontal supply passage to isolate the pressures in the supply and output passages. Accordingly, Franz does not disclose or teach the claimed invention.

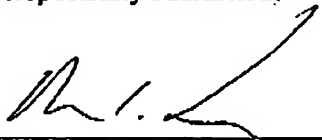
SN. 10/074,582

ATTORNEY DOCKET No. KIOI:021

Conclusion

Applicants submit that claims 1-3 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

Date: 01/09/04

Marc A. Rossi
Registration No. 31,923

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826
Phone: 703-726-6020